

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

DERRICK WALTON,)	
)	
Plaintiff,)	No.
)	
vs.)	Judge
)	Magistrate Judge
)	
CITY OF CHICAGO,)	
Chicago Police Officers)	
DONTA HAYES, Star 17288,)	Jury Demand
DAVID BROWN, Star 15887,)	
JOHN MOSS, Star 10791,)	FILED: APRIL 18, 2008
EUGENE SLEDGE, Star 15645, and)	08CV2225 EDA
VICENTE PAREDES, Star 16960,)	JUDGE HIBBLER
)	MAGISTRATE JUDGE SCHENKIER
Defendants.)	

COMPLAINT

1. This is an action for money damages brought pursuant to 42 U.S.C. § 1983.
2. Jurisdiction for Plaintiff's federal claims is based on 28 U.S.C. §§ 1331 and 1343(a).
3. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b), in that the claims arose in this district as alleged below.

Parties

4. Plaintiff is a resident of Chicago, Illinois.
5. The Defendants are duly appointed and sworn Chicago police officers. At all times relevant to this Complaint, the Defendants were acting in the course and scope of their employment, and under color of state law, ordinance and/or regulation.
6. The Defendant-Officers are sued in their individual capacities.
7. Defendant CITY OF CHICAGO is a municipal corporation, duly incorporated under the laws of the State of Illinois, and is the employer and principal of the Defendant-Officers.

Facts

8. On April 29, 2006, at approximately 2:00 p.m., Defendants HAYES, BROWN, MOSS, SLEDGE, and PAREDES arrested Anthony Davis at 7253 South Phillips, Chicago, outside of his first-floor apartment.

9. After the Defendant-Officers arrested Anthony Davis, they handcuffed him and brought him to Plaintiff's apartment on the second floor.

10. The Defendant-Officers then forcefully entered and searched Plaintiff's apartment located at 7253 South Phillips, apartment 2b, Chicago.

11. Anthony Davis was forced to sit on a couch in Plaintiff's apartment as the Defendant-Officers searched the apartment.

12. Defendant-Officers did not have a search warrant, probable cause, exigent circumstances, or any other legal justification to search Plaintiff's home.

13. The Defendant-Officers did not have an arrest warrant for any person from Plaintiff's apartment.

14. The Defendant-Officers searched Plaintiff's apartment. No contraband or evidence of criminal activity was found.

15. During the search, the Defendant-Officers ravaged Plaintiff's entire apartment and damaged numerous things.

16. Each individual Defendant-Officer acted willfully and wantonly, maliciously, and with a conscious disregard and deliberate indifference to Plaintiff's rights.

17. As a direct and proximate result of the acts of the Defendants described above, Plaintiff suffered damages including emotional distress, and pecuniary damages including property damage.

COUNT I

(42 U.S.C. § 1983 – Illegal Search of Home)

18. Plaintiff realleges paragraphs 1 through 17 as if fully set forth herein.

19. Defendant-Officers did not have a search warrant, consent, exigent circumstances, or any other legal justification to search Plaintiff's home.

20. Searching Plaintiff's home without any legal justification violated his Fourth Amendment right, as guaranteed by the Fourteenth Amendment, to be free from unreasonable searches.

WHEREFORE, Plaintiff asks that this Honorable Court:

- a) Enter judgment against Defendant-Officers,
- b) Award Plaintiff compensatory and punitive damages,
- c) Award attorneys' fees and costs, and
- d) Award any further relief that this Honorable Court deems just and equitable.

COUNT II
(Indemnification Claim pursuant to 745 ILCS 10/9-102)

21. The acts of the Defendant-Officers described in the above claims were willful and wanton, and committed in the scope of employment.

22. Pursuant to the Illinois Tort Immunity Act, 745 ILCS 10/9-102, Defendant CITY OF CHICAGO is liable for any judgments in this case arising from the Defendant-Officers' actions.

WHEREFORE, Plaintiff asks that this Honorable Court order Defendant CITY OF CHICAGO to indemnify the Defendant-Officers for any judgment entered in this case arising from their actions.

Jury Trial Demanded to All Issues Triable by Jury

Respectfully submitted,

/s/ Lawrence V. Jackowiak
Counsel for the Plaintiff

Lawrence V. Jackowiak
Louis J. Meyer
Daniel P. Kiss
Law Offices of Lawrence V. Jackowiak
20 North Clark Street, Suite 1700
Chicago, Illinois 60602
(312) 795-9595